

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

CHRISTOPHER FAIN and SHAUNTAE
ANDERSON; individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

WILLIAM CROUCH, *et al.*,

Defendants.

CIVIL ACTION NO. 3:20-cv-00740
HON. ROBERT C. CHAMBERS

DECLARATION OF CARL S. CHARLES

Pursuant to 28 U.S.C. § 1746, I, Carl S. Charles, do hereby declare as follows:

1. I am over 18 years of age.
2. I am a Senior Attorney at Lambda Legal Defense and Education Fund, Inc. and serve as counsel of record for the plaintiffs in the above-captioned matter.
3. I have personal knowledge of the facts stated herein, except those stated upon information and belief, and if called upon, could and would testify competently to them.
4. I submit this declaration in support of Plaintiffs' Motion to Exclude Expert Testimony of Stephen B. Levine, M.D. ("Dr. Levine.").
5. Attached as **Exhibit A** is a true and correct copy of the expert witness declaration of Dr. Levine (including a copy of his curriculum vitae) in the above-captioned matter, which is dated and was served on Plaintiffs on February 18, 2022, and was entered as Exhibits 1 and 2 to Dr. Levine's deposition in this matter on April 27, 2022.
6. Attached as **Exhibit B** is a true and correct copy of excerpts of the transcript of

the deposition of Dr. Levine on April 27, 2022, taken in relation to the above-captioned matter.

7. Attached as **Exhibit C** is a true and correct copy of excerpts from the transcript of the deposition of Dr. Levine taken on September 10, 2021, in relation to *Kadel v. N. C. State Health Plan for Tchrs. and State Emps.*, 12 F.4th 422, 427 (4th Cir. 2021) which was entered as Exhibit 5 to Dr. Levine's deposition in this matter on April 27, 2022.

8. Attached as **Exhibit D** is a true and correct copy of excerpts from the transcript of the bench trial in *Soneeya v. Turco*, No. 07-12325-DPW (D. Mass 2019) where Dr. Levine testified on April 4, 2019.

9. Attached as **Exhibit E** is a true and correct copy of an excerpt of the transcript of the deposition of Commissioner Cynthia Beane taken on March 29, 2022, in relation to the above-captioned matter, which was entered as Exhibit 22 to Dr. Levine's deposition in this matter on April 27, 2022.

10. Attached as **Exhibit F** is a true and correct copy of excerpts of the zoomed deposition of Dr. Levine taken December 21, 2020, in relation to *Claire v. Florida Dept. of Management Services*, 504 F. Supp. 3d 1328 (N.D. Fla. 2020).

11. Attached as **Exhibit G** is a true and correct copy of the article "International Clinical Practice Guidelines For Gender Minority/Trans People: Systematic Review And Quality Assessment," published in April 2021, which was entered as Exhibit 10 to Dr. Levine's deposition in this matter on April 27, 2022.

12. Attached as **Exhibit H** is a true and correct copy of Marci Bowers. M.D.,'s statement entitled "Dear Colleagues and Friends," published on her website after October 4, 2021, which was entered as Exhibit 11 to Dr. Levine's deposition in this matter on April 27, 2022.

13. Attached as **Exhibit I** is a true and correct copy of a printout from the Cass

Review website “About The Review” page, which was accessed on April 26, 2022.

14. Attached as **Exhibit J** is a true and correct copy of an excerpt of the rebuttal report of Joanna Olson-Kennedy, M.D., signed on March 17, 2022, and served on Defendants March 18, 2022, in the above captioned matter.

15. Attached as **Exhibit K** is an excerpt from the published Ph.D. Thesis, “On Gender Dysphoria,” written by Cecilia Dhejne, Ph.D., in 2017.

16. Attached as **Exhibit L** is a true and correct copy of the article “Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden,” published in February 2011.

17. Attached as **Exhibit M** is a true and correct copy of the article “Long Term Follow-Up of Individuals Undergoing Sex-Reassignment Surgery: Somatic Morbidity and Cause of Death,” published in March 2016.

18. Attached as **Exhibit N** is a true and correct copy of an excerpt from the Diagnostic and Statistical Manual of Mental Disorders, Version 5.

19. Attached as **Exhibit O** is a true and correct copy of an excerpt of the transcript of the deposition of Dan Karasic, M.D., taken on April 15, 2022, in relation to the above-captioned matter.

20. Attached as **Exhibit P** is a true and correct copy of Interqual Criteria Sheets for Gender-Confirming Surgeries (Hysterectomy and Phalloplasty) served on Plaintiffs on or about March 2022, in the above captioned matter.

21. Attached as **Exhibit Q** is a true and correct copy of the article “Correction: Parent reports of adolescents and young adults perceived to show signs of a rapid onset of gender dysphoria,” published March 19, 2019.

22. Attached as **Exhibit R** is a true and correct copy of the article “Do Clinical Data

From Transgender Adolescents Support the Phenomenon of ‘Rapid-Onset Gender Dysphoria’?,” published in The Journal of Pediatrics in April 2022.

23. Attached as **Exhibit S** is Defendant’s Response to Plaintiff’s [sic] Second Set of Interrogatories to Defendants William Crouch, Cynthia Beane, and West Virginia Department of Health and Human Resources, Bureau For Medical Services, served on Plaintiffs on October 25, 2021, in the above captioned matter.

24. Attached as **Exhibit T** is a true and correct copy of an excerpt from the transcript of the deposition of Stephen Levine, M.D., on March 31, 2022, in relation to *B. P. J. v. W. Va. State Bd. of Educ.*, 550 F. Supp. 3d 347 (S.D.W. Va. 2021), which was entered as Exhibit 3 to Dr. Levine’s deposition in this matter on April 27, 2022.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated this 31st day of May 2022.



Carl S. Charles